

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 22<sup>ND</sup> DAY OF AUGUST 2005, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Gary D. Creed	-Chair
	Steve L. Spradlin (Arrived 6:20 pm.)	-Vice Chair
	Doug Marrs	-Supervisors
	John A. Muffo	
	Annette S. Perkins (Arrived 7:15 p.m.)	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers	-Planning Director
	Robert C. Parker	-Public Information Officer
	Neil Turner	-Emergency Services Coordinator
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	Mary W. Biggs	-Supervisor

### **CALL TO ORDER**

The Chair called the meeting to order.

### **INTO CLOSED MEETING**

On a motion by James D. Politis, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- (1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Adjustment and Appeals Board

2. Parks & Recreation Commission
3. Planning Commission

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body

1. School Property
2. Technology Manufacturing Building

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Mary W. Biggs
James D. Politis		Annette S. Perkins
John A. Muffo		Steve L. Spradlin
Gary D. Creed		

### **OUT OF CLOSED MEETING**

On a motion by James D. Politis, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Steve L. Spradlin	None	Annette S. Perkins
James D. Politis		Mary W. Biggs
John A. Muffo		
Doug Marrs		
Gary D. Creed		

## **CERTIFICATION OF CLOSED MEETING**

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

### **VOTE**

#### **AYES**

Steve L. Spradlin  
James D. Politis  
John A. Muffo  
Doug Marrs  
Gary D. Creed

#### **NAYS**

None

#### **ABSENT DURING VOTE**

Mary W. Biggs

#### **ABSENT DURING MEETING**

Mary W. Biggs  
Annette S. Perkins

Supervisors Perkins voted to abstain due to her absence during the Closed Meeting Session of the Board of Supervisors. Supervisor Perkins arrived at 7:15 p.m. for the Regular Session of the meeting.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

## **PUBLIC HEARINGS**

### Rezoning Request

**R. Douglas & Kathy Bunn request to rezone 48.331 acres from Agriculture (A-1) to Rural Residential (R-R), with possible proffered conditions, to allow a single family subdivision containing approximately 13 lots.** The property is located on the south side of MudPike (Rte. 666) at the Seven Mile Tree Road (Rte. F-059) intersection and is identified as Tax Parcel No. 104-A-75, 75E (Acct ID # 002779, 120045) in the Riner Magisterial District. The property currently lies in an area designated as Rural in the Comprehensive Plan.

The Planning Director provided a brief presentation. This request was before the Board at their July 25, 2005 meeting. At that time, the applicant had not submitted any proffers and in order to allow him more time, the public hearing was re-advertised. The applicant did submit four proffers today. The request is to rezone 48.331 acres to allow a single family subdivision. The 48.331 acres is split between two parcels, a 19 acre parcel and a 28 acre parcel. The Planning Commission does recommend rezoning the 19 acre parcel and does not recommend rezoning the 28 acre parcel.

The Planning Director explained the applicant submitted the following four proffers:

1. The final subdivision plat for this property will divide the property into not more than five lots.
2. The landowner will install one fire hydrant on Seven Mile Tree Road.
3. All lots in the 19 acre tract will be connected to public water except for one lot that contains an existing well.
4. The final subdivision plat for the 28 acres located on the East Side of the church property will be divided into not more than four lots.

The Planning Director recommended that the Board not accept any of the above proffers due to the following reasons:

- The County is not interested in restricting the number of lots that can be subdivided on any of the rezoned portion of the property. Since this property is located in area that is developing with smaller lots sizes ( 1 –2 acre lots) rather than larger lots ( 5 acre lots) it is appropriate to maintain smaller lots sizes.
- The County's Subdivision Ordinance will require that newly created lots be connected to public water. The final configuration of lots will determine how many fire hydrants may need to be installed to comply with the subdivision ordinance. Therefore, the Board should not accept proffer #2 based upon provisions provided in the subdivision ordinance as staff cannot determine how many hydrants will be needed until the final plat is complete.
- The Planning Commission does not recommend rezoning the 28 acre parcel.

Doug Bunn, applicant, addressed the Board regarding his request. Mr. Bunn stated that he proffered only five lots on the 19 acre parcel due to only five lots being able to perk. He is also requesting the rezoning of the 28 acre parcel to be divided into four lots, which in only one additional lot than what he can do by right. He submitted the four proffers because he thought they were good for the neighborhood, as to keeping larger lots. Mr. Bunn stated he was confused as to what the County wants.

The Planning Director summarized the request. He stated that staff recommends that the 19 acre parcel be rezoned, the 28 acre parcel not be rezoned, and the Board not accept the proffers submitted by the applicant.

There being no further speakers, the public hearing was closed.

### **Rezoning Request –THIS PUBLIC HEARING WAS CANCELED**

**Walnut Creek Development (Agent: Gay & Keesee, Inc.) requests to rezone 108 acres from Agriculture (A-1) to Planned Unit Development Residential (PUD-Res), with possible proffered conditions, to allow approximately 157 single-family dwellings and 168 townhomes.** The property is located on the West side of Houchins Road approximately 1650 feet North of the Brammer Lane intersection and is identified as Tax Parcel Nos. 80-A-40,42,43 (Acct ID #'s 018438, 018439, 018440) in the Shawsville Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

At their August 10, 2005 meeting, the Planning Commission tabled this request until their October 12, 2005 meeting in order to receive additional information from the applicants to address concerns by the Planning Commission and from the public. Therefore, the Board of Supervisors canceled this public hearing until the Planning Commission completes their review and provides a recommendation.

### **Special Use Permit**

**Emory Elliott (Agent: Harold J. Smith) requests a special use permit, with possible conditions, in Community Business (CB) to allow a convenience store with motor fuel sales.** The property is located at 4338 Prices Fork Road and is identified as Tax Parcel No. 51-A-101 (Acct ID # 013755) in the Prices Fork Magisterial District.

The Planning Director presented a brief overview. The Board of Supervisors at their August 8, 2005 meeting, approved a rezoning for the applicant from Agriculture to Community Business. The rezoning allowed the use of a convenience store but without motor fuel sales. The applicant is requesting a special use permit to allow a convenience store with motor fuel sales.

At their August 17, 2005 meeting, the Planning Commission recommended approval of the request with the following two conditions:

1. Fuel storage shall comply will all applicable local, state and federal laws.
2. Canopy lighting shall be recessed to prevent glare onto adjoining properties and roadways. Approval of the site plan depicting the canopy location and lighting shall be required prior to issuance of a building permit.

The Planning Director reported that the applicant has met all state codes and has approval for fuel sales.

Harold Smith, agent, was available to answer any questions.

There being no further speakers the public hearing was closed.

Supervisor Spradlin asked that the Board take action on Mr. Elliott's request tonight instead of at the September 12, 2005 meeting.

**R-FY-06-29  
SPECIAL USE PERMIT  
EMORY ELLIOTT (AGENT: HAROLD J. SMITH)  
MOTOR FUEL SALES**

On a motion by Steve L. Spradlin, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Emory Elliott (Agent: Harold J. Smith) request for a Special Use Permit on 1.97 acres in Community Business (CB) located at 4338 Prices Fork Road to allow motor fuel sales is hereby approved subject to the following conditions:

3. Fuel storage shall comply will all applicable local, state and federal laws.
4. Canopy lighting shall be recessed to prevent glare onto adjoining properties and roadways. Approval of the site plan depicting the canopy location and lighting shall be required prior to issuance of a building permit.

The property is located at 4338 Prices Fork Road and is identified as Tax Parcel No. 51-A-101 (Acct. ID #013755) in the Prices Fork Magisterial District. The property currently lies in an area designated as Village Core in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Mary W. Biggs
Doug Marrs		
James D. Politis		
John A. Muffo		
Steve L. Spradlin		
Gary D. Creed		

### **PUBLIC ADDRESS**

Dennis Brooks addressed the Board about paving Flick Drive. Mr. Brooks stated that the residents on Flick Drive are requesting their road be paved. He expressed concern with the school bus not being able to turn around on Flick Drive. Mr. Brook also provided a copy of the subdivision plat for Flick Drive showing a 40 ft. right-of-way, which he understands is needed by VDOT to get Flick Drive paved.

Mike Yopp stated he called the Virginia Department of Transportation about getting Flick Drive paved. He was told that VDOT and the Board of Supervisors hold a joint public hearing in October each year and receive requests for roads to be added to the Rural Addition at this time. Mr. Yopp stated he would like to request the non-paved section of Flick Drive to be added to the County's Rural Addition List in order to get the road improved and paved. He thanked the Board for their help.

The County Administrator explained that currently Montgomery County is not eligible to receive any rural addition funding due to VDOT's ruling that the County's subdivision ordinance does not comply with VDOT's criteria. Montgomery County is seeking the Attorney General's opinion on this issue and still waiting for a response.

There being no further speakers, the public address session was closed.

### **CONSENT AGENDA**

On a motion by Steve L. Spradlin, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated August 22, 2005 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Mary W. Biggs
John A. Muffo		
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		
Gary D. Creed		

**R-FY-06-27**  
**SCHEDULE PUBLIC HEARING**  
**PRICES FORK VILLAGE PLAN**  
**AMENDMENT TO THE**  
**COMPREHENSIVE PLAN**

On a motion by Steve L. Spradlin, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Prices Fork Village and Village Expansion Area were identified in the Montgomery County 2025 Comprehensive Plan adopted on October 12, 2004; and

WHEREAS, The Prices Fork Village Plan Amendment has been prepared through a collaborative planning process involving the Prices Fork Citizen Advisory Committee, Citizens at Large, Planning Commission, and County Staff & Consulting Team in order to guide future development; and

WHEREAS, The Planning Commission held a public hearing on July 20, 2005 at the Prices Fork Elementary School and has recommended approval of the Prices Fork Village Plan Amendment.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby schedules a public hearing for Monday, September 26, 2005 at 7:15 p.m., or as soon thereafter, at the Montgomery County Government Center, 2<sup>nd</sup> Floor Board Room, 755 Roanoke Street, Christiansburg, Virginia to receive public comment on the Prices Fork Village Plan Amendment to the Montgomery County 2025 Comprehensive Plan.

**A-FY-06-21**  
**COMMONWEALTH'S ATTORNEY**

On a motion by Steve L. Spradlin, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006 for the function and in the amount as follows:

220 Commonwealth's Attorney	\$433
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
419104 Confiscations	\$433

Said resolution appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.



**A-FY-06-22**  
**SHERIFF**  
**RECOVERED COSTS**

On a motion by Steve L. Spradlin, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006, for the function and in the amount as follows:

320	Sheriff – Comp Board	\$5,797
321	Sheriff – Grants	<u>\$ 260</u>
	Total	\$6,057

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
441101	Insurance Recoveries	\$5,797
424401	Project Lifesaver	<u>\$ 260</u>
	Total	\$6,057

Said resolution appropriates recovered costs from insurance and contributions to the Project Lifesaver program.

**A-FY-06-23**  
**SHERIFF**  
**SUPPLEMENTAL APPROPRIATION**

On a motion by Steve L. Spradlin, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006 for the function and in the amount as follows:

320	Sheriff - County	\$2,536
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451205	Fund Balance - Capital Reserve

\$2,536

Said resolution appropriates funds to cover the cost of moving Sheriff's communication equipment from the site on Poor Mountain to the State Police building.

## **OLD BUSINESS**

### **A-FY-06-24 SOCIAL SERVICES APPROPRIATION ADJUSTMENT**

On a motion by James D. Politis, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006 for the function and in the amount as follows:

540 Social Services	\$699,175
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The source of the funds for the foregoing reduction is as follows:

<u>Revenue Account</u>	
424102 Public Assistance Payments	\$699,175

FURTHER, BE IT RESOLVED, That a transfer is hereby authorized, as follows:

<u>FROM:</u>	
960 Special Contingencies – Social Services	(\$ 18,097)
960 Special Contingencies – Comp and Class	<u>(\$ 23,868)</u>
Total	(\$ 41,965)
<u>TO:</u>	
540 Social Services	\$41,965

Said resolution adjusts the FY 06 appropriation to match local mandates with the state approved budget for the Department of Social Services and transfers funds from Special Contingencies to Social Services to reflect the increase in local public assistance mandates (\$18,097) and in local funding required to fund the County's share of the Social Services compensation budget (\$23,868).

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Mary W. Biggs
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		
James D. Politis		
Gary D. Creed		

**A-FY-06-25**  
**SOCIAL SERVICES**  
**SUPPLEMENTAL APPROPRIATION**  
**PROGRAM IMPROVEMENT PLAN (PIP)**

On a motion by James D. Politis, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2006 for the function and in the amount as follows:

540	Social Services	\$27,854
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The source of the funds for the foregoing reduction is as follows:

<u>Revenue Account</u>	
424102	Public Assistance Payments
	\$27,854

FURTHER, BE IT RESOLVED, That a transfer is hereby authorized, as follows:

<u>FROM:</u>	
960	Special Contingencies – Social Services
	(\$ 6,963)

<u>TO:</u>	
540	Social Services
	\$6,963

Said resolution appropriates funding for the Program Improvement Plan (PIP) a new Social Services program which will provide funding for a new Social Services Aide position. The position is contingent on grant funding and will be eliminated if grant funding ceases.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Mary W. Biggs
Steve L. Spradlin		
Annette S. Perkins		
James D. Politis		
John A. Muffo		
Gary D. Creed		

**R-FY-06-28**  
**RESOLUTION OF THE BOARD OF SUPERVISORS OF**  
**MONTGOMERY COUNTY, VIRGINIA WITH RESPECT TO**  
**ISSUANCE OF REVENUE BONDS BY THE INDUSTRIAL**  
**DEVELOPMENT AUTHORITY OF MONTGOMERY**  
**COUNTY, VIRGINIA**

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously,

**WHEREAS**, The Industrial Development Authority of Montgomery County, Virginia (the “Authority”), has considered the request of the Virginia Tech Foundation, Inc. the (“Applicant”), a non-profit organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”) to issue the Authority’s revenue bonds in a principal amount not to exceed \$20,000,000 (the “Bonds”); and

**WHEREAS**, Proceeds of the Bonds will be used, together with other funds provided by or on behalf of the Applicant, to finance the following: the cost of (i) construction and equipping of an approximately 40,000 square foot Virginia Tech Knowledge Works Center, Phase II to be located at 2202 Kraft Drive in Blacksburg, to be owned by the Applicant and used by Virginia Polytechnic Institute and State University (the “University”); (ii) construction and equipping of a portion, consisting of approximately 50,000 square feet, of an approximately 80,000 square foot multi-use office building and a portion, approximately 210 spaces, of an adjacent 400 space parking deck, which facility is to be located at 902 Prices Fork Road in Blacksburg and owned by a subsidiary of the Applicant, and which portions thereof will be used by the Applicant and the University; (iii) construction and equipping of an addition of approximately 21,500 square feet of office space to the building located at 3470 Transportation Plaza in Blacksburg, related to the Smart Road project, to be leased by the Applicant to the University for use by the Virginia Tech Transportation Institute; and (iv) certain related costs of issuance of the Bonds, financing expenses and working capital; and

**WHEREAS**, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the “Virginia Code”), provide that the highest elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with proceeds thereof is located must approve the issuance of such bonds; and

**WHEREAS**, Since the Authority issues bonds on behalf of Montgomery County, Virginia (the “County”), the Projects are located in the County and the Board of Supervisors of the County (the “Board”) constitutes the highest elected governmental unit of the County, the Board is required to approve issuance of the Bonds; and

**WHEREAS**, Following a public hearing, on August 16, 2005, the Authority adopted a resolution agreeing to issue the Bonds, subject to receipt of such Board approval which the Authority recommended and requested, and a copy of such resolution, a brief summary of the Authority’s public hearing, and the Applicant’s Fiscal Impact Statement have been filed with the Board.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS  
OF MONTGOMERY COUNTY, VIRGINIA:**

1. The Board approves the issuance by the Authority of Bonds in the aggregate principal amount not to exceed \$20,000,000, in one or more series (which series may include additional bonds to refund bonds previously issued by the Authority, the original issuance of which previously was approved by the Board), for the benefit of the Applicant, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, to permit the Authority to assist the Applicant in financing the Projects.
2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the creditworthiness of the Projects or the Applicant and, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the County and the Authority, shall be pledged thereto.
3. This resolution shall take effect immediately upon its adoption.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo	Mary W. Biggs
Steve L. Spradlin			
Annette S. Perkins			
James D. Politis			
Gary D. Creed			

**INTO WORK SESSION**

On a motion by John A. Muffo, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Elliston/Lafayette Village Plan
2. Tax Exemption and Deferral for the Elderly and Handicapped
3. Emergency Services Coordinator – Report on emergency services training
4. Wilderness Road – Arts of Virginia

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Steve L. Spradlin	None	Mary W. Biggs
Annette S. Perkins		
James D. Politis		
John A. Muffo		
Doug Marrs		
Gary D. Creed		

### **Elliston/Lafayette Village Plan**

The Planning Director reported that the 2025 Comprehensive Plan defined six (6) Village Expansion Areas in Montgomery County as follows:

- Belview
- Elliston & Lafayette
- Plum Creek
- Prices Fork
- Riner
- Shawsville

The Planning staff has completed the Prices Fork Village Plan with the Board of Supervisors public hearing scheduled for September 26, 2005. They are currently working on the Elliston/Lafayette Village Plan and the Riner Village Plan. Villages are larger rural communities where limited mixed-use development activity has historically occurred and public utilities are available. Villages usually have a higher density and the identifiable core that includes a mix of residential, business, industrial, and institutional uses.

The Elliston/Lafayette Village process began with Virginia Tech students conducting surveys, interviews with long time residents, and three public meetings in 2004. The Planning staff attended three Village of Elliston (civic organization) meetings to present and discuss the draft village plan. On June 11, 2005 a public meeting was held and a public hearing was held August 17, 2005. The next step is to schedule a Board of Supervisors public hearing and include it in the comprehensive plan.

The Planning Director also reported that one should not be confused by the civic organization called the Village of Elliston. This group includes the entire zip code area of Elliston where the County's Village of Elliston plan only includes the core historic area where the planning staff foresees growth. Supervisor Creed suggested that the Planning Director send a letter to the Village of Elliston civic organization explaining what area will be identified as the Village of Elliston, which does not include the entire zip code area.

## **Tax Relief and Deferral for the Elderly and Handicapped**

The Assistant County Administrator provided a brief history of the tax relief program for the elderly and disabled. Montgomery County adopted an ordinance in 1972, effective January 1, 1973, creating a tax relief program for the elderly and disabled. This program provides exemption from taxes based upon slide scale of percentages based on income and allows the individual a choice of deferral of the amount not exempt.

Based on 2004 date compiled within the publication Tax Rate 2004 issued by Weldon Cooper Center, this document states "A majority of the localities exempt an owner from all or part of taxes on the dwelling; usually the exemption is based on a sliding scale, with the percentage of the exemption decreasing as the income and/or net worth of the owner increases."

Of the 95 counties within the state of Virginia, in 2004 there were 83 counties that offer a tax relief plan. Of these 83 counties that offer a plan, 80 counties offer an exemption. Based on data in the 2004 tax rate book, 3 counties provide no exemption and offer only a deferral program. Of these 83 counties, a majority of the counties serve both the elderly and disabled.

In 2004, Montgomery County provided tax relief for 405 citizens, this total includes the Town of Blacksburg and Town of Christiansburg, and 67 citizens received relief on mobile homes. Using FY 05 data obtained from the Commissioner of Revenue's office, 440 residents received some exemption as follows:

### 2005 Exemptions:

100%	341
60%	67
40%	32

In 2005, the lowest income for an application was \$1,137 and the highest income was \$25,931. The average income total for the elderly is \$12,396 and for the disabled is \$11,775.

Supervisor Creed thought this program was a deferral program and not an exemption program. In his opinion, if a citizen is exempt from taxes, then not only is the owner receiving exemption but also their heirs. The exemption plan does not provide that the heir pay the exemption back to the county. Also, if the state should take control of the property to be sold they would receive everything and the County would not receive any money back for the tax exemption. If the County had only a deferral program, then the County would receive the money back. Supervisor Creed believes this should be a deferral program.

Supervisor Perkins and Supervisor Marrs disagreed with Supervisor Creed's idea. Supervisor Perkins stated the tax exemption and deferral program is for the elderly and disabled citizens of the county who need help. As data indicated from the Commissioner's office, the average income is \$12,396. This program is to help citizens who don't have a lot to begin with. Supervisor Perkins also indicated there are other programs in the county that offer tax relief to citizens such as the Agricultural and Forestal District program. This program provides

exemption from taxes for any citizen regardless of their income. Supervisor Marrs commented that this program is for the elderly and disabled and their heirs should not be considered. Once the citizen is deceased, the property will go back on the tax books.

Supervisor Spradlin suggested that the Commissioner of Revenue be invited to a future board meeting to discuss this program. It was agreed upon that the Commissioner be invited to the September 26, 2005 meeting.

### **Montgomery County Emergency Services – Full Scale Disaster Preparedness Exercise**

Montgomery County's Emergency Services Coordinator reported on the full-scale disaster preparedness exercise that was conducted at the Christiansburg Middle School on August 13, 2005. The purpose of this exercise was to provide Montgomery County Emergency Services with a realistic venue to test and evaluate emergency response procedures, interdepartmental communications, command and control procedures, and to provide an opportunity for county agencies to train together. The training exercise was a success as all members were provided valuable training.

The Emergency Services Coordinator commended all the participants, which included numerous fire and rescue units and police departments. He also thanked other agencies for their help such as the Community Services Board, Montgomery County Schools, Virginia Department of Emergency Management, Virginia Department of Health, and Lifeguard 10.

### **Wilderness Road – Arts of Virginia**

Mike Miller addressed the Board of Supervisors about an opportunity for a retail center for local crafts. Mr. Miller explained that Governor Warner initiated a program called Virginia Work, which includes a new initiative to promote the sale and marketing of hand-made Virginia arts and crafts. The Virginia Artisans Initiative will establish two retail centers in Western Virginia for the sale of local arts and crafts. It has been determined that one of the centers will be located near Staunton and the other one will be located somewhere in southwest Virginia. The Virginia Department of Housing and Community Development is accepting proposals for the retail center from southwest localities. The proposals are due September 16, 2005. The DHCD will review the proposals and select one site to negotiate financing, implementation, and ownership agreement. The Virginia Works has allocated \$3.1 million for this project.

Mr. Miller reported that he has reviewed this RFP and believes a proposal should be submitted from Montgomery County and Floyd County to be considered as a possible site for this center. He has looked for possible sites and believes the Sandy Bennett property located at the intersection of I-81 and Rt 8 to be a suitable location. This site is near the interstate and also close to Floyd. He stated that the goals and priorities for a center would be to provide a retail venue for artisans throughout southwest Virginia; provide a range of quality artisan products; provide visitor amenities (parking, rest facilities, food service); serve as a general tourist/visitor center; and to provide opportunities for artisan exhibits and demonstrations.



Mr. Miller asked for the Board's support to submit a proposal to DHCD and if selected as the site for this center, any financial support would be appreciated.

By consensus, the Board agreed to provide a letter of support for this project. The Board stated they could not support any financial backing at this time.

### **OUT OF WORK SESSION**

On a motion by John A. Muffo, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Mary W. Biggs
James D. Politis		
John A. Muffo		
Doug Marrs		
Steve L. Spradlin		
Gary D. Creed		

### **COUNTY ADMINISTRATOR'S REPORT**

#### **Quiet Zones – Railroads**

The County Administrator reported that staff is still gathering information on railroad crossing quiet zones. We need to determine the number and location of all railroad crossings in the County and this will take time. Also there are a number of criteria that will need to be met in order to establish a quiet zone. A full report will be provided to the Board when all the information is received.

#### **Radio Program Opportunity**

The Public Information Director briefed the Board on an opportunity to produce a 30-minute community affairs radio program, to air on Super Talk 101.7 FM, one Saturday morning each month. The program would be produced by the County with existing resources and would be broadcast at no cost to the County. The Board expressed some concerns regarding advertising. Staff will research and report back to the Board.

### **BOARD MEMBERS' REPORTS**

Supervisor Muffo attended a Loop Trail Meeting. The grant writing is moving forward and they still have not received a response from the Commonwealth Transportation Board about access to the Smart Road right-of-way.

Planning Commission held a public hearing on August 17, 2005 on the Elliston/Lafayette Village Plan. There was a good turn out from the community and a few voiced concerns with boundaries. Supervisor Muffo commended the staff for their work on this plan and involving the community in the development process.

Supervisor Spradlin submitted a petition for a speed study to be conducted on Sandy Circle.

Elliston/Lafayette Village Plan Supervisor Spradlin also commended the staff and the citizens of Elliston and Lafayette for their work on the village plan.

## **APPOINTMENTS**

### **R-FY-06-30 APPOINTMENT ADJUSTMENT AND APPEALS BOARD**

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **E. Maria Roth** to the Adjustment and Appeals Board effective August 23, 2005 and expiring August 22, 2009.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
James D. Politis	None	Annette S. Perkins	Mary W. Biggs
John A. Muffo			
Doug Marrs			
Steve L. Spradlin			
Gary D. Creed			

**R-FY-06-31**  
**APPOINTMENT**  
**PARKS AND RECREATION COMMISSION**

On a motion by Doug Marrs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Craig Eddleton**, who resides in District B, to the Parks and Recreation Commission effective August 23, 2005 and expiring February 9, 2007.

Said appointment fills the unexpired term of Larry N. Rush, resigned.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
James D. Politis	None	Annette S. Perkins	Mary W. Biggs
John A. Muffo			
Doug Marrs			
Steve L. Spradlin			
Gary D. Creed			

**ADJOURNMENT**

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously, the Board adjourned to Monday, September 12, 2005 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Mary W. Biggs
John A. Muffo		
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		
Gary D. Creed		

The meeting adjourned at 9:35 p.m.

APPROVED: _____	ATTEST: _____
Gary D. Creed Chair	B. Clayton Goodman, III County Administrator